

Appl. No. 09/889,255
Atty. Docket No. CM2000XMLS
Amdt. dated 12/06/2004
Reply to Office Action of 10/20/2004
Customer No. 27752

REMARKS

Claims 1-4, 6-8 and 11-20 are pending in the present application; claims 9 and 10 are canceled without prejudice. No additional claims fee is believed to be due.

Claim 1 has been amended to include the limitations of canceled claims 9 and 10. Additionally claim 1 has been amended to further define the detergent composition of the present invention by placing a limitation on the amount of pectic enzymes, which are not pectin lyase enzymes, that may be present in the composition. Support for this amendment may be found on page 43 of the Specification, in lines 28-33.

Rejections Under 35 USC §102(e) Over Schulein

The Office Action indicates that Claims 1-4, 6-8 and 10-19 are rejected under 35 USC § 102(e) as being unpatentable over Schulein, U.S. Patent No. 6,268,197. Applicants respectfully traverse this rejection on the following bases.

MPEP § 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, indicates that, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Applicants submit that Schulein fails to set forth, expressly or otherwise, each and every element of newly amended claim 1. Specifically, Schulein does not teach the utility of pectate lyase specifically at the level required in presently amended claim 1. But rather, Schulein merely teaches that any of a wide variety of optional enzymes (which are themselves a subset of a number of optional ingredients) including numerous species of proteases, lipases, cutinases, cellulases, peroxidases, oxidases or xylanases may be present in the detergent composition. See columns 19-22. Moreover, Schulein does not require that its detergent composition contain less than 25% of pectic enzymes which are not pectin lyase enzymes.

As set forth above, Schulein does not set forth each and every element of newly amended claim 1 as per MPEP § 2131. Consequently, Schulein does not set forth each and every element of pending claims 2-4, 6-8 and 11-19, which either depend or ultimately depend from claim 1. Therefore, Applicants respectfully request withdrawal of the current §102(e) rejection of these claims over Schulein.

Rejections Under 35 USC §103(a) Over Schulein

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According to the Office Action, the rejection of claims 9 and 20 under 35 USC § 103(a) as being unpatentable over Schulein (U.S. Patent No. 6,268,197) is maintained for the reasons cited in the previous Office Action, mailed 5 December, 2002. Applicants have presently canceled claim 9 and submit that claim 20 is not obvious in light of Schulein on the following bases.

In order for Schulein to render claim 20 obvious, it must teach or suggest all of its claim limitations as per MPEP §2143. As noted by Applicants above, Schulein does not teach or suggest all of the limitations of newly amended claim 1. In particular, Schulein does not teach or suggest specifically combining pectate lyase with pectin lyase, to form a detergent composition that is *substantially free of other pectic enzymes* (i.e., that contains less than 25% of pectic enzymes which are not pectin lyase enzymes) as is required by newly amended claim 1. To the contrary, Schulein teaches the *addition of one or more pectic enzymes* including pectases, pectin lyases, pectate lyases and pectin methylesterases. See column 5. Moreover, Schulein does not teach or suggest the utility of the stabilization of pectate lyase in the presence of metal and calcium through the addition of pectin lyase. The pectate/pectin lyase combination of the present invention surprisingly provides a wide range of substrate specificity and a high flexibility toward a variety of wash conditions, which in turn results in synergistic cleaning and especially plant-based soil / stains and body soil removal. See page 43 of the Specification, first and second full paragraphs.

Since Schulein does not teach or suggest all of the limitations of currently amended claim 1, it follows that Schulein does not teach or suggest all of the limitations of claim 20, since claim 20 indirectly depends from claim 1. Therefore, Applicants respectfully submit withdrawal of the current §103(a) rejection of claim 20 over Schulein.

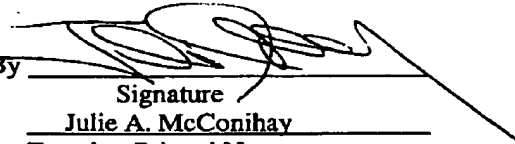
Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under § 102(e) and § 103(a). Early and favorable action in the case is respectfully requested. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-4, 6-8 and 11-20 is respectfully requested.

Respectfully submitted,

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